

Captain John D. Reed of Wichita Falls, Wichita County.

Have had the same under consideration, and do recommend that he be in all things confirmed.

MARTIN, Chairman.

The President called the Senate to order as in legislative session at 11:25 o'clock a. m.

#### House Bill on First Reading

The following House bill, previously received from the House, was laid before the Senate, read first time and referred to the committee indicated:

H. B. No. 1039, to Committee on State Affairs.

#### Recess

On motion of Senator Metcalfe, the Senate, at 12:25 o'clock p. m., took recess until 10:00 o'clock a. m. tomorrow.

### SIXTY-EIGHTH DAY

#### Continued

(Wednesday, May 21, 1941)

The Senate met at 10:00 o'clock a. m., and was called to order by the President.

#### Leaves of Absence Granted

Senator Hill was granted leave of absence today on account of important business, on motion of Senator Cotten.

Senator Chadick was granted leave of absence for today on account of important business, on motion of Senator Mauritz.

#### House Bill 465 on Second Reading

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 465 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 465, A bill to be entitled "An Act providing that in all counties in the State of Texas having a County Court at Law for Civil or Criminal Cases the Judge of such County Court at Law shall, in all cases of disqualification, inability or absence of the County Judge, preside

in place of the County Judge in all Probate proceedings, and shall preside over the Juvenile Court and the Lunacy Court of such County; and declaring an emergency."

The bill was read second time.

Senator Spears offered the following (committee) amendments to the bill:

(1)

Amend H. B. No. 465 by Ridgeway et al. by adding the following immediately after the last word in Section 1 thereof:

"Provided, however, that this Act shall not deprive the parties interested in any case pending in the County Court to appoint a proper person to try such case in the manner provided by the Constitution of this State when the Judge of the County Court in such case is disqualified."

(2)

Amend Section 1 of H. B. No. 465 by Ridgeway et al. by striking out the words "this state" in line 2 of the enrolled bill and inserting in lieu thereof the following:

"any county having a population of less than three hundred fifty thousand (350,000) inhabitants according to the last preceding or any future Federal Census"

The (committee) amendments were adopted severally.

On motion of Senator Moore, the caption was amended to conform to the body of the bill as amended.

The bill was passed to third reading.

#### House Bill 465 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 465 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Isbell
Beck	Kelley
Brownlee	Lanning
Cotten	Lemens
Fain	Lovelady
Formby	Martin
Graves	Mauritz
Hazlewood	Metcalfe

Moffett	Sulak
Moore	Van Zandt
Ramsey	Vick
Shivers	Weinert
Smith	Winfield
Spears	York
Stone	

Absent—Excused

Chadick	Hill
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Aikin	Lemens
Beck	Lovelady
Brownlee	Martin
Cotten	Mauritz
Fain	Metcalf
Formby	Spears
Graves	Stone
Hazlewood	Sulak
Isbell	Vick
Kelley	Weinert
Lanning	

Nays—5

Moffett	Smith
Moore	Winfield
Shivers	

Absent

Ramsey	York
Van Zandt	

Absent—Excused

Chadick	Hill
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#### Reports of Standing Committees

Senator Kelley, by unanimous consent, submitted at this time the following reports:

Austin, Texas  
May 21, 1941

Hon. Coke R. Stevenson, President of the Senate.

Sir. We, your Committee on Education, to whom was referred

H. B. No. 1000, A bill to be entitled "An Act authorizing independent school districts, and cities which have assumed the control of public schools situated therein, in any county having a population of not less than

twenty-one thousand five hundred ninety (21,590) and not more than twenty-one thousand six hundred twenty (21,620) according to the last preceding Federal Census, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

Austin, Texas,  
May 21, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 998, A bill to be entitled "An Act authorizing the separation or divorcement of public schools from municipal control in municipal school districts entirely surrounded by a county line common school district, pursuant to an election to be held for that purpose, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass and be not printed.

KELLEY, Chairman.

Austin, Texas,  
May 21, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 806, A bill to be entitled "An Act fixing the term of office of school trustees of independent school districts, whether created under General Law or by Special Act of the Legislature, having as many as six hundred and two (602) and nor more than six hundred and seven (607) scholastics, according to the 1940 official scholastic census, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

Austin, Texas,  
May 21, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 922, A bill to be entitled "An Act to fix the maximum rate of tax to be levied in all independent school districts having a scholastic population of not more than sixty-four hundred and seventy-five (6,475), nor less than sixty-four hundred and twenty-five (6,425), etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments, and be not printed.

KELLEY, Chairman.

Austin, Texas,  
May 21, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 1001, A bill to be entitled "An Act authorizing independent school district in counties having a population of not less than one hundred and three thousand (103,000) and not more than one hundred and nine thousand (109,000), according to the last preceding Federal Census, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

Senator Shivers, by unanimous consent, offered at this time the following report:

Committee Room,  
Austin, Texas,  
May 21, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation, to whom was referred

H. B. No. 942, A bill to be entitled "An Act amending Section 6, Chap-

ter 2, Acts of the Forty-second Legislature, Fourth Called Session, as amended by Section 9, Chapter 76, Acts of the Forty-fourth Legislature, Regular Session, and providing that the Railroad Commission of Texas shall limit production of crude petroleum oil in this State to the reasonable market demand therefor; providing for the allocation of the allowable among the pools in the State; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

SHIVERS, Chairman.

#### House Bill 942 Ordered Printed

On motion of Senator Shivers and by unanimous consent, H. B. No. 942 was ordered mimeographed and not otherwise printed.

#### Signing of Bills and Resolutions

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 262, A bill to be entitled "An Act authorizing the commissioners' court in all counties of this State to provide fire protection and fire fighting equipment for the citizens of the county outside of any city, town or village therein, either by the purchase and maintenance by the county of the necessary equipment, or by entering into contracts with the governing body of cities, towns or villages located within the county for the use of the fire fighting equipment of the city, town or village; providing that the operation of any fire fighting equipment outside the city limits of any city, town or village, pursuant to contracts with the commissioners' court of the county, shall be considered as operations of the county, and all persons engaged in such operations, notwithstanding they may be employees of a city, town or village, shall be considered as agents for the county in all respects; and declaring an emergency."

H. B. No. 362, A bill to be entitled "An Act creating the Lavaca County Flood Control District in Lavaca

County, Texas, and defining its powers; designating the commissioners' court as the governing body of such district and defining the powers of such court in connection therewith; providing for the filing of a petition for the issuance of bonds, notice of hearing thereon, for an election therefor, and the procedure; limiting the tax rate in support of bonds voted; providing for the issuance of bonds and the manner and form thereof and the procedure in connection with the issuance, registration, approval, and sale thereof; defining the duties of the various officials of Lavaca County; providing that State laws applicable to contracts and accounting for funds shall apply to such district; making the Act cumulative of other laws; providing for the use of public property by such district; granting the right of eminent domain; providing laws relating to assessing and collecting State and county current and delinquent taxes shall apply to said district; providing that if any provision of this Act shall be held invalid or unconstitutional the other provisions shall not be affected; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 506, A bill to be entitled "An Act amending Section 12, Chapter 271, Acts of the Regular Session of the Forty-second Legislature; and declaring an emergency."

H. B. No. 828, A bill to be entitled "An Act amending Section 3, 5, 6, 7 and 9 of Chapter 426, Acts of the Regular Session of the Forty-fifth Legislature, relative to the powers of the San Jacinto River Conservation and Reclamation District; providing for the appointment, terms, salary, rights, powers and duties of the board of directors of said district, fixing the boundaries and domicile of said district; declaring the recurrent floods in the valley of the San Jacinto River to be a public calamity; repealing Section 11 of said Chapter 426, Acts of the Regular Session of the Forty-fifth Legislature, together with all other laws and parts of laws in conflict with the provisions of this Act; providing a saving clause; and declaring an emergency."

H. B. No. 903, A bill to be entitled "An Act prescribing the manner of taking fish in Marshall Ford Lake in Burnet County and the Colorado River to the headwaters of Marble

Falls Lake in Burnet County; prescribing a penalty for a violation of this Act; repealing all laws in conflict with this Act; and declaring an emergency."

H. B. No. 978, A bill to be entitled "An Act repealing H. B. No. 386 of the Regular Session of the Forty-seventh Legislature; amending Section 3 of H. B. No. 12 of the Second Called Session of the Forty-second Legislature so as to permit fishing for certain species of fish in McLennan County during the month of February of any year; repealing all laws or parts of laws in conflict with the provisions of this Act; and declaring an emergency."

H. C. R. No. 115, Requesting the serious consideration of the Under-Secretary of War and the Office of Production Management, Washington, D. C., as to the wonderful possibilities the Texas Panhandle offers for the erection and construction of munitions plants.

H. C. R. No. 147, Authorizing certain corrections in enrolled copy of H. B. No. 903.

H. C. R. No. 148, Inviting H. V. Kaltenborn to address a joint session of the Legislature.

#### Senate Resolution 143

Senator Stone, by unanimous consent, offered at this time the following resolution:

Whereas, It appears from present reports that a serious effort is now being made to induce the Congress of the United States to take the necessary steps towards completion of the Great Lakes-St. Lawrence Seaway and Power Project; and

Whereas, The Senate of the State of Texas, although actuated by every desire to cooperate with the Government in its plans for our National Defense, firmly believes that such a development would not be in the public interest in any manner but would be hostile to the best interests of the State of Texas and of the United States, as it would disrupt and demoralize the transportation systems of the United States, land and water, and would disastrously affect the economic welfare of the country, and would particularly work a hardship on the Texas ports, and would cause irreparable injury to a large percentage of the public interests and labor

of this State and nation; therefore, be it

Resolved by the Senate of Texas, That it go on record as being strongly opposed to this project; and, be it further

Resolved, That the Congress of the United States, and particularly the Senators and Representatives elected from the State of Texas be memorialized and requested to use their utmost influence in opposition to said project; and, be it further

Resolved, That a copy of this resolution be mailed to Colonel Edwin A. Halsey, the Secretary of the United States Senate, the Honorable Sam Rayburn, Speaker of the United States House of Representatives, and to each Senator and Representative in Congress from the State of Texas.

STONE,  
MOORE,  
SHIVERS,  
KELLEY.

The resolution was read.

Senator Mauritz moved that the resolution be referred to a committee.

Senator Moore moved to table the motion to refer.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16

Beck	Ramsey
Brownlee	Shivers
Cotten	Smith
Formby	Stone
Isbell	Van Zandt
Lemens	Weinert
Lovelady	Winfield
Moore	York

Nays—10

Aikin	Mauritz
Graves	Metcalfe
Hazlewood	Moffett
Lanning	Spears
Martin	Sulak

Absent

Fain	Vick
Kelley	

Absent—Excused

Chadick	Hill
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The resolution was adopted.

Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following message: Hall of the House of Representatives,

Austin, Texas,  
May 21, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 122, A bill to be entitled "An Act to amend Article 4590-a, Revised Civil Statutes of Texas, 1925, providing for the chartering of non-profit corporations to be organized for the purpose of furnishing group hospital service, and to provide for the methods of operation, regulation and supervision of such corporations and of their contracts; providing exemption from Title 78 of the Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 451, A bill to be entitled "An Act providing for a juvenile court in each county of the State in the county or district courts already established; defining certain terms providing for the procedure in cases of delinquent children; manner of hearing; dispositional power of juvenile court; selection of custodial agency; providing for support of children committed to custodial agency; prescribing that records shall be confidential; permitting physical and mental examinations of children upon order of the court; prescribing places of detention; court session; co-operation; contempt; and methods of appeal; saving clause; repealing clause; and declaring an emergency."

H. B. No. 615, A bill to be entitled "An Act relating to taxes in common school districts; authorizing districts to increase tax levies for debt service to One (\$1.00) Dollar and total tax for maintenance and bonds to not more than One and 50/100 (\$1.50) Dollars, under the circumstances prescribed in this Act; and declaring an emergency."

H. B. No. 627, A bill to be entitled "An Act to amend Section 12 of H. B. No. 821, Chapter 462, page 1144, Regular Session of the Forty-fifth Legislature, as amended by H. B. No. 102, Chapter 41, page 1924, Sec-

ond Called Session of the Forty-fifth Legislature, as amended by H. B. No. 834, Chapter 1, page 427, Regular Session of the Forty-sixth Legislature, and to add thereto seven new Sections to be known as Sections 23a, 23b, 23c, 23d, 23e, 23f, and 23g; to authorize housing authorities to acquire by the exercise of the power of eminent domain any interest in real property; to create housing authorities for counties; to provide for the creation of regional housing authorities; to authorize the undertaking of housing projects for farmers of low income; and declaring an emergency."

H. B. No. 983, A bill to be entitled "An Act repealing Article 1350, Revised Civil Statutes of Texas, 1925; amending Article 1351 so as to make the penalty therein provided apply specifically to Articles 1348 and 1349, Revised Civil Statutes of Texas, 1925; amending Article 1351, Revised Civil Statutes and Article 213, Penal Code of Texas, to prohibit corporations, their officers, directors, stockholders, employees and agents acting in their behalf from expending or promising to expend any money or thing of value in order to aid or hinder the nomination or election of any person to public office or to influence the vote on any question submitted to the voters; providing for an exception in elections directly affecting the granting, refusing, existence, or value of a franchise of a corporation which has the right of eminent domain, and providing that in such elections, all means of publicity employed by such corporation shall be identified as pay for by it; providing for the filing of accounts of expenditures made in connection with such elections by corporations, persons, partnerships and associations, and limiting the amount thereof; providing penalties for corporations, their officers, directors, stockholders, employees and agents violating this Act and increased penalties and forfeiture of charter or permit of such corporation on second and subsequent violations; providing penalties for persons, partnerships and associations failing to make or falsely making required reports of expenditures in certain elections or exceeding authorized limits thereof; and declaring an emergency."

H. B. No. 611, A bill to be entitled "An Act to amend and re-enact S. B. No. 36, Acts, Forty-sixth Legislature,

Regular Session, entitled: An Act creating a State Department of Public Welfare for the State of Texas; prescribing its rights, powers, functions, and duties; creating and providing for a State Board of Public Welfare; prescribing its rights, powers and duties; defining certain terms; providing for the administration of this Act; providing for payment of Old-Age Assistance; providing for assistance to needy blind persons, dependent and destitute children, and persons or families who are in dependent and needy circumstances; accepting for the State of Texas all the provisions of the Federal Social Security Act, enacted by the Congress of the United States and approved March 14, 1935; transferring all the rights, powers and duties of the Division of Child Welfare of the State Board of Control to the State Department of Public Welfare; and abolishing the Division of Child Welfare of the State Board of Control; transferring all the rights, powers and duties of the Texas Relief Commission to the State Department of Public Welfare and abolishing the Texas Relief Commission; transferring all the rights, powers, and duties of the Texas Old-Age Assistance Commission to the State Department of Public Welfare; and abolishing the Texas Old-Age Assistance Commission; providing for the transfer of the staffs, records and physical properties of the Division of Child Welfare of the Board of Control, the Texas Relief Commission, and the Texas Old-Age Assistance Commission to the State Department of Public Welfare; designating the State Department of Public Welfare as the State Agency to cooperate with the Federal Government in the administration of the provisions Title I, Title IV, Part 3 of Title V, and Title X, of the Federal Social Security Act, and other titles; designating the State Department of Public Welfare as the State Agency to cooperate with the Children's bureau of the United States Department of Labor in certain matters; designating the State Department of Public Welfare as the State Agency to cooperate with the Federal Government in the administration and distribution of Federal Surplus commodities and other Federal resources; providing for the transfer of certain funds to the credit of the State Department of Public Welfare; creating certain funds in the State Treasury;

making appropriations; providing penalties for violation of provisions of this Act; providing a saving clause; providing the effective date of this Act; providing schedule for proration of funds; repealing H. B. No. 7, Chapter 435, Acts of the Regular Session of the Forty-fifth Legislature, and all other Acts, laws or parts thereof in conflict with this Act; and declaring an emergency."

H. B. No. 692, A bill to be entitled "An Act amending Chapter 1 of Title 50, of the Revised Civil Statutes of the State of Texas by adding Article 2929a; providing that no person who has been elected or appointed to an executive or administrative public office in the State of Texas for a term of more than two years shall be eligible to run for nomination or election to any other public office the term of which would begin before the expiration of the term of the original office to which such person was elected or appointed, without first resigning from such original office; providing that no election official shall place the name of such ineligible person on the ballot for any election or certify his name as a candidate or nominee; and providing for enforcement of such law by injunction proceedings and other remedies provided in the laws of Texas concerning ineligible candidates; defining the term 'executive or administrative public office' to mean all public offices except the Legislative and Judicial offices of members of the Legislature and Judges of the Courts of Texas."

S. C. R. No. 61, In memory of Mrs. C. N. Shaver.

S. C. R. No. 59, Relating to meeting the emergency in transportation.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### Messages from the Governor

The President laid before the Senate, and had read the following messages from the Governor:

Austin, Texas,  
May 19, 1941.

To the Members of the Forty-seventh Legislature:

The fact that old age pension checks for May have been cut Three (\$3.00) Dollars each, which makes each check short Seven (\$7.00) Dollars of the amount due recipients, and inasmuch

as the House of Representatives tried to avoid this cut by passing an emergency appropriation bill and sending it to the Senate, I again recommend that this Forty-seventh Legislature take immediate action on this matter so that all old age recipients on the rolls may get an additional check this month to offset the cut. This will require quick action.

I also again recommend that this Forty-seventh Legislature make provision for paying all old-age recipients the full amounts due them during June, July and August of this year. It is assumed that the new tax bill recently enacted will take care of them beginning September 1, 1941.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
May 19, 1941.

To the Members of the Forty-seventh Legislature:

There appears to be a "joker" in H. B. No. 8. It reads as follows:

"These allocations and appropriations to old age assistance, however, are conditioned that such are matched by the Federal Government and such sums not matched by the Federal Government (exclusive of that lawfully used for administration) are not appropriated for old age assistance and shall not be so expended but shall be paid into the General Revenue Fund of the State of Texas at the end of each fiscal year."

I think most people will agree that the Federal Social Security authorities already have a powerful weapon to enforce their rulings by having the right to cut off Federal contributions, but this "joker" automatically cuts off all State funds for old-age pension payments at the same time they cut off Federal old-age pension contributions. In my opinion, this surrenders more of our State's rights by giving the Federal Government the right to stop this State from paying out State money to our own people, as authorized by our State Constitutional Amendments and our State Statutes.

This provision might seriously jeopardize the welfare of our old age recipients and I recommend that it be corrected immediately.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
May 20, 1941.

To the Senate of the Forty-seventh  
Legislature:

I ask the advice, consent and con-  
firmation of the Senate to the follow-  
ing appointments:

To be Members of the Board of  
Pilot Commissioners for Galveston  
and Texas City for two year terms  
expiring April 15, 1943:

J. H. Langben of Galveston, Galv-  
eston County;

P. M. Gengler of Galveston, Galv-  
eston County;

A. W. Purdy of Galveston, Galveston  
County;

R. I. Cohen of Galveston, Galveston  
County;

E. V. Rhodes of Texas City, Galv-  
eston County.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

The message submitting nomina-  
tions was referred to the Committee on  
Nominations of the Governor.

#### House Concurrent Resolution 151

The President laid before the Senate  
and had read (the resolution having  
been received from the House on  
yesterday):

H. C. R. No. 151, Inviting Hon.  
Claude Pepper to address a joint ses-  
sion of the Legislature.

By unanimous consent, the resolu-  
tion was considered and was adopted  
at this time.

#### Senate Bill 477 on First Reading

Senator Mauritz moved that Sec-  
tion 5 of Article 3 of the Constitu-  
tion be suspended to permit his in-  
troducing a bill, the provisions of  
which he explained.

The motion prevailed by the fol-  
lowing vote:

Yeas—29

Aikin	Lanning
Beck	Lemens
Brownlee	Lovelady
Cotten	Martin
Fain	Mauritz
Formby	Metcalf
Graves	Moffett
Hazlewood	Moore
Isbell	Ramsey
Kelley	Shivers

Smith  
Spears  
Stone  
Sulak  
Van Zandt

Vick  
Weinert  
Winfield  
York

Absent—Excused

Chadick

Hill

The following bill then was intro-  
duced, read first time and referred  
to the Committee on Counties and  
County Boundaries:

By Senator Mauritz:

S. B. No. 477, A bill to be entitled  
"An Act authorizing the County  
Judge to employ a stenographer or  
clerk in any county having a popu-  
lation of not more than eleven thou-  
sand, seven hundred and twenty  
(11,720) and not less than eleven  
thousand, seven hundred and ten  
(11,710) inhabitants, according to the  
last preceding Federal Census of  
1940; regulating the salary of same;  
providing for payment of salary;  
providing for removal; and declaring  
an emergency."

#### Senate Bill 478 on First Reading

Senator Ramsey moved that Sec-  
tion 5 of Article 3 of the Constitu-  
tion be suspended to permit his in-  
troducing a bill, the provisions of  
which he explained.

The motion prevailed by the fol-  
lowing vote:

Yeas—29

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Chadick

Hill

The following bill then was intro-  
duced, read first time and referred  
to the Committee on Education:

By Senator Ramsey:

S. B. No. 478, A bill to be entitled  
"An Act to fix the maximum rate



of tax to be levied for school purposes in all independent school districts in which the State of Texas or its agencies own ten per cent or more in area of the land within the limits or boundaries of said independent school district authorizing said district to levy a tax for school purposes not to exceed one dollar and fifty cents on each One Hundred (\$100.00) Dollar valuation of property; limiting the amount of said tax rate which may be levied for bond purposes to a rate not to exceed fifty (50c) cents upon each One Hundred (\$100.00) Dollar valuation of property; and providing that no tax rate shall be levied in such district except on a vote of the majority of the tax paying qualified voters; and declaring an emergency."

#### House Bill 94 on Second Reading

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 94 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 94, A bill to be entitled "An Act to amend Section 2, Chapter 446, Page 1049, Forty-fifth Legislature, Regular Session 1937, pertaining to the issuance of a warrant of arrest in judicial proceedings in lunacy cases, form and requisites thereof and return to the County Judge whereby the Sheriff or Constable executing said warrant with the consent of the Superintendent of any State Hospital may place said person in a place especially provided therefor at such Hospital to be remanded to the Sheriff or Constable to be taken before the County Judge, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 94 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 94 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Brownlee
Beck	Cotten

Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Isbell	Spears
Kelley	Stone
Lanning	Sulak
Lemens	Van Zandt
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield
Metcalf	York
Moffett	

Absent—Excused

Chadick	Hill
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Chadick	Hill
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#### Senate Resolution 144

Senator Winfield, by unanimous consent, offered at this time the following resolution:

Whereas, Mr. M. N. Hale and Miss Mayme Baker, Sponsors of the Senior Class of the Iraan Independent School District, are in the gallery with the Senior Class of 1941; now, therefore, be it

Resolved, by the Senate of Texas, That the Senate express its pleasure at having these visitors, and extend to Mr. Hale and Miss Baker the privileges of the floor; and, be it further

Resolved, That the Secretary of the Senate be directed to deliver a copy of this resolution to Mr. Hale,

Miss Baker, and the President of the Senior Class.

The resolution was read; and on motion of Senator Winfield and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### House Concurrent Resolution 152

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended to take up for consideration at this time ( the resolution having been received from the House on yesterday):

H. C. R. No. 152, Suspending the constitutional rule on H. B. No. 76 [to provide that the bill shall become effective immediately].

The resolution was read.

The resolution was adopted by the following vote:

Yeas—27

Aikin	Moffett
Brownlee	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Lanning	Van Zandt
Lemens	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

Absent

Beck	Kelley
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Absent—Excused

Chadick	Hill
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#### Senate Resolution 145

Senator Moore, by unanimous consent, offered at this time the following resolution:

Whereas, The Civics Class of the Tomball High School is now in the gallery; and

Whereas, Professor McClennan is in charge of such Class; now therefore, be it

Resolved, by the Senate of Texas, That we express our appreciation of the visit of this Class and that Professor McClennan be given the privileges of the floor for the day.

The resolution was read, and on motion of Senator Moore and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### House Bill 136 on Second Reading

The President laid before the Senate, as a special order for this hour on its second reading and passage to third reading:

H. B. No. 136, A bill to be entitled "An Act to promote, encourage, increase, and stimulate the use and sale of rice; to promote the prosperity and welfare of rice growers and producers in the State of Texas through the conducting of a publicity, sales promotion and development campaign; to conduct research in and develop new uses for rice and rice products; to levy and impose a tax or assessment on rice milled in the State of Texas, and to provide for the collection thereof to create a rice development fund; to create a rice development commission to administer and to control the rice development campaign, and to provide the powers, duties and authority and to define the terms of office of said commission; to provide when and how said levy or tax shall be paid and collected; to provide penalties for the violation of this Act; to provide for cooperation and joint action in said development campaign with officers, boards, commissions, departments or other authorities created or which may be created in the State of Louisiana and Arkansas upon which similar powers, duties and purposes have been or may be conferred; to repeal all laws or parts of laws in conflict herewith; fixing the effective date of the Act; and declaring an emergency."

The bill was read second time.

Senator Shivers offered the following amendments to the bill:

(1)

Amend H. B. No. 136, Section 3, Page 2, Line 35, by striking out the words "By the Governor of this State" and substituting in lieu thereof the following: "As hereinafter provided."

(2)

Amend H. B. No. 136, Section 10, Page 3, Line 53, by striking out all after "the" in line 53, all of lines 54 and 55 and substituting in lieu thereof

the following: "all funds collected hereunder are hereby appropriated to a Texas Rice Development Commission for the purpose of carrying out the provisions of this Act and the Legislature shall have authority to change any salaries set by the Commission, provided, however, that administrative expenses shall never exceed 15% of the funds collected for each year."

(3)

Amend H. B. No. 136, Section 16, Page 4, by striking out said section and inserting in lieu thereof the following: "Section 16. If this Act shall expire the Rice Development Commission shall continue to operate its program so long as any funds remain on hand after which it shall be dissolved by order of the Commission and all records deposited with Department of Agriculture."

The amendments were adopted severally.

Senator Sulak offered the following (committee) amendment to the bill:

Amend H. B. No. 136 by adding another section, to read as follows:

"All millers or purchasers of rice, shall keep a correct record showing the names and quantity of rice purchased from producers of rice in this State, and, in the event this Act shall be held by the Courts invalid, the Texas Rice Development Commission shall refund to each mill all taxes collected by the mill and remitted to the Commissioner, and each mill shall remit the amount of tax to each person from whom it is collected or deducted from the purchase price."

Senator Shivers offered the following substitute for the amendment:

Substitute for committee amendment No. 1 the following and add to Section 6, page 3:

"Should any miller collect any such tax or part thereof from a grower, as such are defined in this Act, he shall be guilty of a misdemeanor and upon conviction therefor, be punished by a fine of not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars."

Senator Sulak moved to table the substitute.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—7

Aikin	Metcalf
Cotten	Stone
Lemens	Sulak
Lovelady	

Nays—18

Beck	Moffett
Brownlee	Moore
Fain	Ramsey
Formby	Shivers
Graves	Van Zandt
Hazlewood	Vick
Isbell	Weinert
Kelley	Winfield
Mauritz	York

Absent

Lanning	Smith
Martin	Spears

Absent—Excused

Chadick	Hill
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The substitute was adopted.

The amendment as substituted was adopted.

Senator Sulak offered the following amendment to the bill:

Amend H. B. No. 136, by adding a new Section thereto immediately after Section 15 to be numbered Section 15a, and to read as follows:

"Section 16(a). This Act shall not become effective until and unless at least sixty (60%) per cent of the rice growers and rice millers of Texas, as those terms are defined herein, voting at an election to be held in each county in Texas in which rice is grown or milled, on the last Saturday in December, 1941, vote to approve the operation of this Act. If less than sixty (60%) per cent of those voting at such election fail to vote in favor of the operation of this Act, then the same shall become null and void. If at least sixty (60%) per cent of those voting at such election favor the operation of this Act then it shall become effective thirty days thereafter and shall continue in effect as hereinafter provided. Such election shall be held by the county clerk of each county in which one or more rice growers or rice millers grow

or mill rice, and ballots shall be furnished for each grower or miller at any time from 7 a. m. to 7 p. m. of such election day who shall register his name with the clerk on a list which shall contain the names of all persons voting at the election, and each such person shall make affidavit upon signing such list that he is either a Texas rice grower or a Texas rice miller, as those terms are defined herein, and that he grows or mills rice in such county, after which he shall be given a ballot by the clerk which shall be secret, and cast the same manner as in regular general elections, and which shall read as follows: 'For the operation of the Texas Rice Development Law,' and 'Against the operation of the Texas Rice Development Law.' Such ballots shall be marked by the voter as in general elections and shall be canvassed by the county clerk of each county and reported to the Secretary of State on the Monday following the election, and the Secretary of State shall canvass the returns of the county clerk on the second Monday following the election and announce the result, and under his official seal declare the number of voters for and the number against by counties, and declaring the total, and that the operation of the Act has been approved or disapproved, as the case may be, in accordance with the terms and conditions of this Act, which action of the Secretary of State shall constitute the official record of the approval or disapproval of the operation of this Act."

Senator Shivers moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

## Yeas—17

Beck	Shivers
Brownlee	Smith
Fain	Spears
Formby	Van Zandt
Graves	Vick
Hazlewood	Weinert
Isbell	Winfield
Kelley	York
Mauritz	

## Nays—9

Aikin	Metcalf
Cotten	Moffett
Lemens	Stone
Lovelady	Sulak
Martin	

## Absent

Lanning	Ramsey
Moore	

## Absent—Excused

Chadick	Hill
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The bill was passed to third reading.

## House Bill 136 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 136 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—26

Aikin	Mauritz
Beck	Moffett
Brownlee	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

## Nays—1

Sulak

## Absent

Metcalf

## Absent—Excused

Chadick	Hill
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—19

Beck	Mauritz
Brownlee	Moffett
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Spears
Isbell	Sulak
Kelley	Vick
Lanning	Winfield
Lemens	

## Nays—10

Aikin	Moore
Cotten	Stone
Lovelady	Van Zandt
Martin	Weinert
Metcalf	York

## Absent—Excused

Chadick	Hill
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## Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled resolutions:

S. C. R. No. 59, Relative to emergency in transportation.

S. C. R. No. 61, In memory of Mrs. C. N. Shaver.

## Message from the House

The Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
May 21, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 414, A bill to be entitled "An Act amending Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by H. B. No. 8, Acts of the Third Called Session of the Forty-fourth Legislature, and by H. B. No. 5, Acts of the Regular Session of the Forty-fifth Legislature, and by S. B. No. 20, Acts of the First Called Session of the Forty-fifth Legislature, by adding a new Section to be known as Section 24-A, Article II of the Liquor Control Act, regulating the advertising of beer through the medium of outdoor signs."

With amendments.

H. C. R. No. 156, Granting permission to certain judges to be absent from the State.

H. C. R. No. 158, Suspending certain joint rules for purpose of considering H. B. No. 512.

H. C. R. No. 160, Setting aside Thursday afternoon, May 22, 1941, for the consideration of House bills in the House.

H. C. R. No. 161, Authorizing the Enrolling Clerk of the House to make certain changes in caption of H. B. No. 1016.

H. C. R. No. 162, Authorizing Enrolling Clerk to correct the caption of H. B. No. 440 to conform to body of the bill.

H. C. R. No. 116, Granting N. D. Lenamond permission to sue the State of Texas and the State Highway Commission in Dallas County.

H. C. R. No. 117, Granting William Trakas permission to bring suit against the State of Texas.

H. C. R. No. 124, Granting R. W. Dillard and wife of Ellis County, Texas, permission to bring suit against the State of Texas and against the Highway Department of the State of Texas.

H. C. R. No. 128, Granting W. C. Kulp and B. H. Kulp, composing a partnership operating under the firm name of Kulp Bros., permission to bring suit against the State of Texas.

H. C. R. No. 130, Granting permission of J. Clyde Cummings to bring suit against the State of Texas and against the Department of Public Safety, Division of Highway Patrol.

H. C. R. No. 133, Granting W. L. Priddy permission to bring suit against the State of Texas.

H. C. R. No. 135, Granting Chadwick & Williams, a partnership composed of John B. Chadwick and George M. Williams, permission to sue the State of Texas.

H. C. R. No. 149, Authorizing the Court of Civil Appeals for the Fourth Judicial District of Texas to transfer to the Attorney General's Department eighty-three (83) wooden bookcases, with bases and tops, and further authorizing the Comptroller to credit the sum of One Hundred (\$100.00) Dollars to the account of the said Court of Civil Appeals, and to debit the Attorney General's Department with the sum of One Hundred (\$100.00) Dollars.

H. C. R. No. 150, Authorizing a loan of certain Highway equipment.

H. B. No. 917, A bill to be entitled "An Act prescribing the powers and duties of the State Board of Control with reference to the operation and maintenance of all State Eleemosynary Institutions, providing for the appointment of superintendents, medical directors, and storekeepers and

accountants, prescribing their duties, and prescribing the method for removal of all officers and employees; repealing Articles 636, 637, 690, 691, 692, 693, 3175, 3176, 3184, 3190, 3207, 3220, 3222, 3223, 3234, 3239, 3252, 3253, Section 6 of Article 3254a, 3255, Section 4 of Article 3259a, 5120, 5122 and 5133 of the Revised Civil Statutes of the State of Texas, Vernon's Annotated Edition, and all other laws or parts of laws in conflict herewith, and containing a saving clause; and an emergency clause, and providing an effective date hereof."

H. C. R. No. 165, Suspending joint rules for purpose of considering H. B. No. 524.

H. C. R. No. 155, Granting John W. Hoch permission to sue the State.

S. C. R. No. 63, Providing that the Court of Civil Appeals for the Fourth Judicial District of Texas shall be authorized to transfer to the Attorney General's Department, eighty-three (83) wooden bookcases, with bases and tops, etc.

H. C. R. No. 157, Suspending joint rules for purpose of considering H. B. No. 268 on Wednesday, May 21, 1941.

The House has concurred in Senate amendments to H. B. No. 953 by a vote of 117 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 832 by a vote of 122 yeas, 0 noes.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### House Bills on First Reading

The following House bills, previously received from the House, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 122, to Committee on Civil Jurisprudence.

H. B. No. 451, to Committee on Civil Jurisprudence.

H. B. No. 611, to Committee on State Affairs.

H. B. No. 615, to Committee on Civil Jurisprudence.

H. B. No. 627, to Committee on Civil Jurisprudence.

H. B. No. 692, to Committee on Civil Jurisprudence.

H. B. No. 917, to Committee on State Affairs.

H. B. No. 983, to Committee on Criminal Jurisprudence.

#### Senate Resolution 146

Senator Spears, by unanimous consent, offered at this time the following resolution:

Whereas, Captain A. W. Holt, Sergeant-at-Arms of the Senate, has been ordered to active duty with the army at Fort Sam Houston, Texas, effective May 30, 1941; and

Whereas, His services as Sergeant-at-Arms of the Senate are needed until June 15, 1941, for the purpose of completing his duties at this session of the Legislature, including the necessary post-session duties; now, therefore, be it

Resolved, by the Senate of Texas, That the Commanding Officer of the First Military Area at San Antonio, Texas, be respectfully requested, if he sees fit, to defer the effective date of Captain Holt's active military service until June 16, 1941, without prejudice to his assignment or record; and, be it further

Resolved, That when Captain A. W. Holt reports for active duty with the Army that he be granted a leave of absence by the Senate until such time as he may be released from active military service to return to his duties as Sergeant-at-Arms of the Senate; and, be it further

Resolved, That said Captain Holt be granted a vacation with pay for twelve days, exclusive of Sundays and holidays, the same as all other State employees receive, and as provided by H. B. No. 765, passed at this session of the Legislature, granting all State employees called into the service a similar vacation.

SPEARS,  
METCALFE.

Signed—Aikin, Beck, Brownlee, Chadick, Cotten, Fain, Formby, Graves, Hazlewood, Hill, Isbell, Kelley, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore, Ramsey, Shivers, Spears, Smith, Stone, Sulak, Van Zandt, Vick, Weinert, Winfield, York; Stevenson, Lieutenant-Governor.

The resolution was read, and on motion of Senator Spears and by unanimous consent, it was considered immediately.

On motion of Senator Fain, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted.

**Senate Bill 479 on First Reading**

Senator Moore moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Chadick Hill

The following bill then was introduced, read first time and referred to the Committee on State Affairs:

By Senator Moore:

S. B. No. 479, A bill to be entitled "An Act authorizing eligible cities as defined herein to issue refunding revenue bonds to take up outstanding revenue bonds issued for the purpose of constructing Exposition and Convention Halls or Coliseums; prescribing the method of issuing and securing such bonds; prescribing the duties of cities and of the officials of cities issuing such refunding bonds; requiring the approval and prescribing the effect of approval of such bonds by the Attorney General; providing for the registration and delivery of such bonds; enacting other provisions relating to the subject and relating to the issuance and security of such bonds; making this Act cumulative of other laws general or special, but providing that it shall take precedence over other laws or charter provisions in conflict or inconsistent herewith; and declaring an emergency."

**Senate Bill 175 Set as Special Order**

Senator Sulak moved that S. B. No. 175 be set as a special order for next Friday, May 23, 1941, immediately

after conclusion of the morning call on that day.

The motion prevailed by the following vote:

Yeas—19

Brownlee	Moffett
Fain	Moore
Graves	Ramsey
Hazlewood	Shivers
Isbell	Smith
Lanning	Stone
Lemens	Sulak
Lovelady	Van Zandt
Mauritz	Weinert
Metcalf	

Nays—8

Aikin	Martin
Beck	Vick
Cotten	Winfield
Formby	York

Absent

Kelley Spears

Absent—Excused

Chadick Hill

**House Bill 567 Passed Over Governor's Veto**

Senator Moffett called for the reconsideration at this time of H. B. No. 567, making an appropriation for the Liquor Control Board (the bill having been vetoed by the Governor and having been passed by the House on May 15, 1941, notwithstanding the objections of the Governor).

The President laid the bill, with the objections of the Governor thereto, before the Senate.

Senator Moffett moved that the bill be reconsidered and passed notwithstanding the objections of the Governor.

The motion prevailed by the following vote:

Yeas—25

Brownlee	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Spears
Isbell	Stone
Kelley	Sulak
Lanning	Van Zandt
Lemens	Vick
Lovelady	Winfield
Mauritz	York
Metcalf	

## Nays—4

Aikin  
BeckMartin  
Weinert

## Absent—Excused

Chadick

Hill

Conference Committee on House Joint  
Resolution 24

Senator Moore called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. J. R. No. 24.

Senator Moore moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the joint resolution on the part of the Senate: Senators Moore, Ramsey, Shivers, Weinert, and Graves.

## Reports of Standing Committees

Senator Weinert, by unanimous consent, submitted at this time the following reports:

Austin, Texas,  
May 21, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 432, A bill to be entitled "An Act amending Article 5473 of the Revised Civil Statutes of Texas, 1925, as amended by the Forty-first Legislature, Acts 1929, Chapter 223, page 477, to provide for a contractor's and laborer's lien upon the drilling rig, drill stem, casing, and all drilling machinery under the circumstances otherwise set in Article 5473, as amended; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
May 21, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 768, A bill to be entitled "An Act relating to the subject of

bonds, notes, and warrants heretofore issued by the Board of Regents of the University of Texas, the Board of Directors of the Agricultural and Mechanical College, the Board of Directors of the Texas Technological College, the Board of Regents of the State Teachers Colleges, the Board of Regents of the Texas State College for Women, and the Board of Directors of the Texas College of Arts and Industries, under Chapter 5, Acts of the Second Called Session of the Forty-third Legislature and amendments thereto, and all other laws, including the validating of the bonds, warrants, and notes issued by said boards, the resolutions and other proceedings authorizing the issuance and the provisions made for the payment of principal and interest of such bonds, warrants, and notes; and making it the duty of said boards to fix, maintain, and collect charges or rates sufficient to pay interest and principal as it accrues and matures on bonds, warrants, and notes heretofore or hereafter issued (pursuant to resolutions heretofore adopted), and to create and maintain reasonable reserves as prescribed in resolutions authorizing the issuance of such securities; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senator Moore, by unanimous consent, submitted at this time, the following reports.

Senate Chamber,  
Austin, Texas,  
May 21, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 479, A bill to be entitled "An Act authorizing eligible cities as defined herein to issue refunding revenue bonds to take up outstanding revenue bonds issued for the purpose of constructing exposition and convention hall or coliseums; prescribing the method of issuing and securing such bonds; prescribing the duties of cities and of the officials of cities issuing such refunding bonds; requiring the approval and prescribing the effect of approval of such bonds by the At-



torney General; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Senate Committee Room,  
Austin, Texas,  
May 20, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1039, A bill to be entitled "An Act defining and limiting the term 'intrastate business' as used in Article XIV, Section 1 (a) of H. B. No. 8, Acts of the Regular Session, Forty-seventh Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed but be mimeographed in lieu thereof.

MOORE, Chairman.

Senator Isbell, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
May 21, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns and City Corporation, to whom was referred

H. B. No. 521, A bill to be entitled "An Act authorizing any county or any incorporated city or town of this State, acting through its governing body, to acquire by purchase out of local funds, gift, bequest, or otherwise, tracts of land suitable for the growth of trees, and to administer the same, as well as any other land now owned by such political subdivision and suitable for the growth of trees, as community forest; providing that such community forests and the administration thereof shall be under the supervision and have the counsel and cooperation of the Texas Forest Service; providing further that such community forest shall in all respects be subject to the laws of this State with respect to the forestation service; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ISELL, Chairman.

#### House Bill 768 on Second Reading

On motion of Senator York and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 768 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 768, A bill to be entitled "An Act relating to the subject of bonds, notes and warrants heretofore issued by the Board of Regents of the University of Texas, the Board of Directors of the Agricultural and Mechanical College, the Board of Directors of the Texas Technological College, the Board of Regents of the State Teachers Colleges, the Board of Regents of the Texas State College for Women, and the Board of Directors of the Texas College of Arts and Industries, under Chapter 5, Acts of the Second Called Session of the Forty-third Legislature and amendments thereto, and all other laws, including the validating of the bonds, warrants and notes issued by said boards, the resolutions and other proceedings authorizing the issuance and the provisions made for the payment of principal and interest of such bonds, warrants and notes; and making it the duty of said boards to fix, maintain and collect charges or rates sufficient to pay interest and principal as it accrues and matures on bonds, warrants and notes heretofore or hereafter issued, (pursuant to resolutions heretofore adopted), and to create and maintain reasonable reserves as prescribed in resolutions authorizing the issuance of such securities; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 768 on Third Reading

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 768 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Chadick Hill

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Chadick Hill

#### House Bill 922 on Final Passage

The President laid before the Senate on its final passage (the vote by which the bill had passed having been reconsidered):

H. B. No. 922, A bill to be entitled "An Act to fix the maximum rate of tax to be levied in all independent school districts having a scholastic population of not more than sixty-four hundred and seventy-five (6,475) nor less than sixty-four hundred and twenty-five (6,425) etc.; and declaring an emergency."

Senator Hazlewood offered the following amendments to the bill:

(1)

Amend H. B. No. 922 by striking out all below the enacting clause and adding in lieu thereof the following:

"Section 1. In any independent school district having and including within its limits a city or town which, according to the then latest Federal Census, has a population of not fewer than sixty-four hundred twenty-five (6,425) and not more than sixty-four hundred seventy-five (6,475) inhabitants, shall have the power to levy a tax for school maintenance and bond purposes, the maximum of which for both of such purposes shall be One and 50/100 (\$1.50) Dollars on the One Hundred (\$100.00) Dollars valuation of taxable property; said tax to be authorized, assessed, levied, and collected under the provisions of law as now provided.

"Sec. 2. The taxes hereinabove imposed shall never be levied, collected, abrogated, diminished, or increased, and no bonds or bond shall be issued thereunder, until such action has been authorized by a majority of the qualified property taxpaying voters of such districts, voting at an election to be held for that purpose.

"Sec. 3. All laws or parts of laws in conflict with the provisions hereof are hereby expressly repealed.

"Sec. 4. The importance of this legislation and the crowded condition of the calendar create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall be in force and take effect from and after its passage, and it is so enacted."

(2)

Amend H. B. No. 922 by striking out all above the enacting clause and adding in lieu thereof the following: "An act to fix the maximum rate of tax to be levied in any independent school district having and including within its limits a city or town which, according to the then latest Federal Census, has a population of not fewer than sixty-four hundred and twenty-five (6,425) and not more than sixty-four hundred and seventy-five (6,475) inhabitants; and providing that the taxes herein-

above imposed shall never be levied, collected, diminished or increased; and providing further that no bonds shall be issued except by a majority of the qualified voters of the district; and declaring an emergency."

The amendments were adopted unanimously.

The bill was passed by the following vote:

Yeas—29

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Chadick Hill

#### House Bill 921 on Second Reading

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 921 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 921, A bill to be entitled "An Act to declare a closed season on the killing of deer, dove and quail in Culberson County and the killing of quail and dove in Hudspeth County for a period ending February 1, 1945; periscribing a penalty therefor; and declaring an emergency.

The bill was read second time and was passed to third reading.

#### House Bill 921 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 921 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Brownlee
Beck	Cotten

Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Isbell	Spears
Kelley	Stone
Lanning	Sulak
Lemens	Van Zandt
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield
Metcalf	York
Moffett	

Absent—Excused

Chadick Hill

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Chadick Hill

#### House Concurrent Resolution 157

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended to take up for consideration at this time (the resolution having been received from the House today):

H. C. R. No. 157, Suspending the joint rules, to permit consideration by the House of H. B. No. 268 on May 21, 1941.

The President laid the resolution before the Senate, it was read and was adopted.

**Resolution Signed**

The President signed in the presence of the Senate, after its caption had been read, the following enrolled resolution:

S. C. R. No. 63, Providing for the transfer of certain bookcases to the Attorney-General's Department.

**House Bill 514 on Second Reading**

On motion of Senator Lemens and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 514 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 514, A bill to be entitled "An Act repealing Section 9 of Article IV of Chapter 495 of the Acts of the Third Called Session of the Forty-fourth Legislature, as amended by Senate Bill No. 24, Chapter 5, Acts of the Forty-sixth Legislature; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 514 on Third Reading**

Senator Lemens moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 514 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Chadick Hill

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Record of Vote**

Senator Cotten asked that he be recorded as voting "nay" on the final passage of the bill.

**House Bill 1001 on Second Reading**

On motion of Senator Kelley and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1001 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1001, A bill to be entitled "An Act authorizing independent school districts in counties having a population of not less than one hundred and three thousand (103,000) and not more than one hundred and nine thousand (109,000) according to the last preceding Federal Census, to levy and collect additional maintenance taxes; providing for elections to authorize such tax levies; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 1001 on Third Reading**

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1001 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Chadick Hill

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—28

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Cotten	Kamsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

## Nays—1

Moore

## Absent—Excused

Chadick Hill

## House Bill 1039 on Second Reading

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1039 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1039, A bill to be entitled "An Act defining and limiting the term 'intrastate business' as used in Article XIV, Section 1 (a) of H. B. No. 8, Acts of the Regular Session, Forty-seventh Legislature; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to third reading?

## House Bill 1004 on Second Reading

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1004 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1004, A bill to be entitled "An Act providing in all counties having a population of not less than twenty-nine thousand, two hundred and forty (29,240) and not more than

twenty-nine thousand, two hundred and fifty (29,250), according to the last preceding, or any future, United States Federal Census, there shall be imposed upon all male persons who do not reside in an incorporated city, town or village, the duties of working five (5) days of eight (8) hours efficient service on public roads each year, or the payment on or before May first of each year the sum of Three (\$3.00) Dollars; providing for the summoning of persons in said counties for work on the public roads, said summons when issued shall compel the persons to be given notice one (1) full day before they are to report after summons for road duty; fixing age bracket for persons to be summoned; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 1004 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1004 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

## Absent—Excused

Chadick Hill

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Cotten
Beck	Fain
Brownlee	Formby

Graves	Ramsey
Hazlewood	Shivers
Isbell	Smith
Kelley	Spears
Lanning	Stone
Lemens	Sulak
Lovelady	Van Zandt
Martin	Vick
Mauritz	Weinert
Metcalf	Winfield
Moffett	York
Moore	

Absent—Excused

Chadick Hill

#### Privileges of Floor Granted to Matthew Bullock

On motion of Senator Fain and by unanimous consent, Matthew Bullock was granted the privileges of the floor for today.

#### Recess

On motion of Senator Lovelady, the Senate, at 12:30 o'clock p. m., took recess to 10:00 o'clock a. m. tomorrow.

### SIXTY-EIGHTH DAY

#### Continued

(Thursday, May 22, 1941)

The Senate met at 10:00 o'clock a. m., and was called to order by the President Pro Tempore.

#### Leaves of Absence Granted

Senator Hill was granted leave of absence for today on account of important business, on motion of Senator Smith.

Senator Chadick was granted leave of absence for today on account of important business, on motion of Senator Mauritz.

#### Honoring Mrs. Coke R. Stevenson and Hon. Bob Barker

Senator Lanning, by unanimous consent, offered at this time the following resolution:

(Senate Resolution 147)

Whereas, The Senate officers and employees have recently bestowed surprises on Mrs. Coke R. Stevenson, wife of our beloved presiding officer, Lieutenant-Governor Coke Stevenson, and Bob Barker, Secretary of the Senate, by presenting

each with a beautiful hand painted portrait; and

Whereas, These two lovable characters have endeared themselves to every employee, as well as every member of this Senate; and

Whereas, The Senate of Texas believes in "Flowers for the Living," and that by so doing we will honor at this time these two friends of the Senate by placing on display in the Senate Chamber these two portraits of these distinguished members of the Senate family; now, therefore be it

Resolved, by the Senate of Texas, That these two portraits be permitted to hang in the Senate Chamber until the 47th Legislature adjourns, and that a certified copy of this resolution be transmitted to Mrs. Coke Stevenson and Bob Barker.

Signed: Aikin, Beck, Brownlee, Chadick, Cotten, Fain, Formby, Graves, Hazlewood, Hill, Isbell, Kelley, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore, Ramsey, Shivers, Smith, Spears, Stone, Sulak, Van Zandt, Vick, Weinert, Winfield, York.

At the request of President Pro Tempore Cotten, the resolution was read by Senator Lanning.

By unanimous consent, the resolution was considered immediately and the names of all Senators were added to it as signers thereof.

During the consideration of the resolution, Mrs. Coke R. Stevenson and Lieutenant-Governor Stevenson, Mr. Bob Barker, Secretary of the Senate, and his daughter, Mrs. Lillian B. Jones, were seated within the bar of the Senate in front of the President's desk.

Senator Lanning, having been recognized by the President Pro Tempore, spoke as follows:

Mr. President and Members of the Senate and Mrs. Stevenson:

I consider it a privilege to offer this resolution and to ask for its adoption by the Members of the Senate.

I have known the Stevensons for a number of years and I served in the House with them for seven years. It has been my pleasure also to know this charming lady whose portrait is being presented today. This portrait, as beautiful as it is, can never reveal the beauty and charm of this good woman, as we know her. Her